

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	No.: 4:16-CR-0056
	:	
	:	(Judge Brann)
v.	:	
	:	
FRANK PONDER,	:	
MARVIN C. POLAND,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 12<sup>th</sup> day of June 2017, in accordance with the Memorandum of this same date, **IT IS HEREBY ORDERED** that Frank Ponder's Motion "to dismiss the superseding indictment and the 21 U.S.C. § 851 information or, in the alternative, dismiss the superseding indictment and direct the government to withdraw the 21 U.S.C. § 851 information for vindictive prosecution" dated May 26, 2017 and docketed at ECF No. 101 is DENIED.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge